

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number *(if known)* Chapter **11**

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **305 East 61st Street Group LLC**

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) **81-1170172**

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

**445 Park Ave, 9th Floor
New York, NY 10022**

Number, Street, City, State & ZIP Code

New York
County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business
305 East 61st Street New York, NY 10065
Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify:

Debtor **305 East 61st Street Group LLC**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
- ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **305 East 61st Street Group LLC**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **305 East 61st Street Group LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **June 9, 2019**
MM / DD / YYYY

X /s/ Jason Carter

Signature of authorized representative of debtor

Jason Carter

Printed name

Title **Managing Member of 61 Prime LLC, the
Manager of the Debtor**

18. Signature of attorney

X /s/ Robert J. Spence

Signature of attorney for debtor

Date **June 9, 2019**

MM / DD / YYYY

Robert J. Spence

Printed name

Spence Law Office, P.C.

Firm name

**55 Lumber Road
Suite 5
Roslyn, NY 11576**

Number, Street, City, State & ZIP Code

Contact phone **516-336-2060**

Email address **rspence@spencelawpc.com**

rs3506 NY

Bar number and State

COMPANY RESOLUTION

The undersigned, the managing member of 61 Prime, LLC (hereinafter, "Manager"), a New York limited liability company, which is the Manager of 305 East 61st Street Group LLC (hereinafter, the "Company"), a New York limited liability company organized under the laws of the State of New York, does hereby certify that on the 9th day of June, 2019, the following resolutions were adopted on behalf of the Company, and they have not been modified or rescinded, and are still in full force and effect:

"RESOLVED, that in the judgment of the Manager, it is desirable and in the best interests of the Company that Jason Carter, the managing member of the Manager, be empowered to cause a petition under Chapter 11 of the United States Bankruptcy Code to be filed by the Company in the Southern District of New York for the protection of the Company and the preservation of its assets; and it is further

RESOLVED, that Jason Carter, as managing member of the Manager, be, and he hereby is, authorized to execute and file all petitions, schedules, lists and other papers, to make all appearances before the Bankruptcy Court, and to take any and all action which he may deem necessary or proper in connection with such proceedings under Chapter 11, and it is further

RESOLVED, in connection with the bankruptcy filing, the Manager is authorized to retain and employ Spence Law Office, P.C. as the Company's general bankruptcy counsel, and to retain Singer & Falk as the Company's accountant, in the bankruptcy case, and to retain and employ all assistance by other legal counsel or otherwise which he may deem necessary or proper with a view to the successful conclusion of such reorganization case."

IN WITNESS WHEREOF, the undersigned, having the full authority to do so, has hereunto set his hand, this 9th day of June 2019.

305 EAST 61ST STREET GROUP LLC,
Company

By: 61 PRIME LLC, its Manager

By: /s/ Jason Carter
Name: Jason Carter
Title: Managing Member

**United States Bankruptcy Court
Southern District of New York**

In re **305 East 61st Street Group LLC**

Debtor(s)

Case No.
Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
61 Prime LLC 445 PARK AVENUE 9TH FLOOR New York, NY 10022	Class B	50%	
LittleHeartsMarks Family II LP C/O FIRST NEW YORK REALTY CO. 488 MADISON AVENUE New York, NY 10022	Class B	30%	This Interest is disputed
Onestone305, LLC 75 WALL STREET 29M New York, NY 10005	Class A	10%	
Thaddeus Pollack 86 Franklin Street #5 New York, NY 10013	Class A	10%	

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Managing Member of 61 Prime LLC, the Manager of the Debtor** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **June 9, 2019**

Signature **/s/ Jason Carter**
Jason Carter

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Southern District of New York**

In re **305 East 61st Street Group LLC**

Debtor(s)

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VERIFICATION OF CREDITOR MATRIX

I, the Managing Member of 61 Prime LLC, the Manager of the Debtor of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **June 9, 2019**

/s/ Jason Carter

**Jason Carter/Managing Member of 61 Prime LLC, the Manager of
the Debtor**

Signer/Title

305 E 61ST STREET LENDER LLC
C/O KATSKY KORINS LLP
605 THIRD AVENUE
NEW YORK, NY 10158

5 BOROS HEATING CONTROL INC.

ACQUA ANCIEN BATH NEW YORK INC
C/O DARROW EVERETT LLP
450 SEVENTH AVENUE, #1802
NEW YORK, NY 10123

AEC COUNSELING
20 VESEY STREET SUITE 909
NEW YORK, NY 10007

C3D ARCHITECTURE
307 7TH AVENUE ROOM 1407
NEW YORK, NY 10001-6174

CON EDISON
COOPER STATION
PO BOX 138
NEW YORK, NY 10276-0138

CURTIS WALLACE
C/O MARIUS C. WESSER, P.C.
225 BROADWAY, SUITE 1700
NEW YORK, NY 10007

DEPARTMENT OF BUILDINGS
280 BROADWAY, 3RD FLOOR
NEW YORK, NY 10007

DM ELECTRICAL INC.
2334 BOSTON ROAD #17G
BRONX, NY 10467

ENVIRONMENTAL CONTROL BOARD
66 JOHN STREET
NEW YORK, NY 10038

GERBER CIANO KELLY BRADY LLP
228 PARK AVE SOUTH SUITE 97572
NEW YORK, NY 10003-1502

LITTLE HEARTS MARKS FAMILY II
C/O GANFER SHORE ET AL LLP
360 LEXINGTON AVENUE
NEW YORK, NY 10017

MICHAEL ORLOFSKY ESQ.
48 WALL STREET 26TH FLOOR
NEW YORK, NY 10005

MIGUEL QULNTANA
C/O HARMON LINDER & ROGOWSKY
3 PARK AVENUE, SUITE 2300
NEW YORK, NY 10016

MOTTOLA RINI ENGINEERS PC
36 WEST 25TH STREET FLOOR 4
NEW YORK, NY 10010-2762

NYC DEP WATER BOARD
DEP/BCS CUSTOMER SERVICE
PO BOX 739055
ELMHURST, NY 11373-9055

NYC DEPARTMENT OF FINANCE
P.O. BOX 680
NEWARK, NJ 07101-0680

PCCM MANAGEMENT
55 WEST 39TH STREET SUITE 205
NEW YORK, NY 10018

PIRCH
3817 OCEAN RANCH BOULEVARD
OCEANSIDE, CA 92056

SPRAY-RITE LLC
2130 FORD STREET
BROOKLYN, NY 11229

VERIZON BANKRUPTCY ADMIN.
500 TECHNOLOGY DRIVE SUITE 550
WELDON SPRING, MO 63304

VIRGINIO ANTONIO
C/O ROBERT A CARDALI & ASSOCS.
39 BROADWAY, 35TH FLOOR
NEW YORK, NY 10006

61 PRIME LLC
445 PARK AVENUE
9TH FLOOR
NEW YORK, NY 10022

LITTLEHEARTSMARKS FAMILY II LP
C/O FIRST NEW YORK REALTY CO.
488 MADISON AVENUE
NEW YORK, NY 10022

ONESTONE305, LLC
75 WALL STREET 29M
NEW YORK, NY 10005

THADDEUS POLLACK
86 FRANKLIN STREET #5
NEW YORK, NY 10013

**United States Bankruptcy Court
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CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **305 East 61st Street Group LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

**61 Prime LLC
445 PARK AVENUE
9TH FLOOR
New York, NY 10022**

**LittleHeartsMarks Family II LP
C/O FIRST NEW YORK REALTY CO.
488 MADISON AVENUE
New York, NY 10022**

**Onestone305, LLC
75 WALL STREET 29M
New York, NY 10005**

☐ None [*Check if applicable*]

June 9, 2019

Date

/s/ Robert J. Spence

Robert J. Spence

Signature of Attorney or Litigant

Counsel for **305 East 61st Street Group LLC**

Spence Law Office, P.C.

55 Lumber Road

Suite 5

Roslyn, NY 11576

516-336-2060 Fax:516-605-2084

rspence@spencelawpc.com